

RESOLUTION NO. 2004-

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, ADOPTING
POLICIES FOR PUBLIC, EDUCATIONAL AND
GOVERNMENTAL ACCESS TELEVISION; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, the Village of Key Biscayne, Florida has secured access to various channels on the Village's cable television system for public, educational or governmental use; and

WHEREAS, the Village desires to adopt formal policies governing the programming, use and operation of the access channels.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

Section 1. Adoption of Policies. The Village Council hereby adopts the Village of Key Biscayne Policies for Public, Educational and Governmental Access Television attached hereto as Exhibit "A" to this resolution

Section 2. Effective Date. That this Resolution shall be effective upon adoption.
PASSED AND ADOPTED this ____ day of _____, 2004.

MAYOR ROBERT OLDAKOWSKI

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

VILLAGE OF KEY BISCAYNE
POLICIES FOR PUBLIC, EDUCATIONAL
AND GOVERNMENTAL ACCESS TELEVISION

1 BACKGROUND.

Under the terms of the September 2001 License Agreement between the Village of Key Biscayne, Florida and Key Biscayne Cablevision d/b/a Adelphia Cable Communications, the Village has secured up to three channels on Adelphia's cable television system for public, educational or governmental use. Two of the three channels have been designated on the channel lineup as Channel 16 and Channel 17 and are collectively referred to herein as the "Access Channels." The third channel is not presently available under the terms of the Agreement.

To date, the Village has elected to use only one of the available Access Channels (Channel 16), which has been used exclusively for governmental use. It is the purpose of these policies to reaffirm the use of Channel 16 exclusively for governmental use and to reserve Channel 17 for educational access use only. It is further the purpose of these policies to establish that the Access Channels shall not in any manner be used for (1) public access, (2) commercial advertisements, (3) advertising for political candidates, or (4) transmitting obscene or indecent material.

2 PROGRAMMING FOR INDIVIDUAL CHANNELS.

2.1 Channel 16. Channel 16 is hereby designated and allocated for governmental access purposes only. Channel 16 shall be used solely for governmental programming as may be established from time to time by the Village Council in its full and absolute discretion. The programming permitted on Channel 16 may include, but is not limited to the following:

2.1.1 Coverage of meetings of the Village Council and any of its boards and/or committees;

2.1.2 Programming to provide a forum for Village residents to have input on items scheduled for a vote by the Village electors under the initiative and/or referendum process contained in the Village Charter. Such programming may be in the format of town hall meetings, interview shows, point-counterpoint discussions, call-in shows or an open forum in which members of the public may ask questions of the Village Manager or members of the Village Council on the issue subject to the vote;

2.1.3 Statements by qualified candidates for the positions of Mayor or Councilperson within the Village of Key Biscayne, as more particularly set forth in Village Council Resolution No. 2002-46;

2.1.4 Coverage of election results;

2.1.5 Posting of public announcements and notices;

2.1.6 Programming prepared by or for other governmental agencies, such as Miami-Dade County, the State of Florida and the Miami-Dade County School Board.

2.1.7 Any other programming which the Village Council determines is in the public's interest and/or serves a public purpose.

2.2 Channel 17. Channel 17 is not currently in use for any programming. It is hereby set aside and reserved for future educational programming only. The Village Council in its sole and absolute discretion may provide such programming directly to the residents of Key Biscayne or alternately under an access management agreement or similar arrangement with a not-for-profit community television entity or governmental agency.

3 USE OF EQUIPMENT AND FACILITIES.

The Village has very limited equipment, facilities and resources available for the production and cablecasting of programming. The use of the equipment and facilities shall be limited to Village employees and others with authority from the Village Manager and subject to rules and regulations as they may be established by the Village Manager.